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as if questions of law can of right be settled by arbitrations! Under the practice of American jurisprudence, disputes at law are settled in one way and one way only—that is, by judicial decree. Laws are incapable of arbitration. They can be interpreted; they cannot be arbitrated. That fact is a central and fundamental principle of our American democracy. To change that practice would be to go back toward government by men rather than by laws. To take such a step would be most un-American, because even before John Marshall the Government of the United States had been emphatically termed a “government of laws and not of men,” “a high appellation” which the great jurist accepted as a matter of course in *Marbury vs. Madison* as early as 1803. To undermine in any way this basic fact of American democracy would lower the level of total democratic achievement, strengthen the forces of selfishness, and endanger still more the peace of the world.

Wars arise out of a variety of conflicting interests; but one certain cause of wars has been the violation of vested legal rights. It was the violation of vested legal rights that led us directly into this war. For the violation of vested legal rights American democracy provides a remedy. That remedy is a remedy at law. From the point of view of American democracy a prime function of government is to see to it that the laws shall furnish a remedy for the violation of vested legal rights. That is the course of justice under the system of American democracy. If the League of Nations provided for that method of settlement for international disputes involving violation of legal rights, the average American could understand it. But that is not the way proposed. It is proposed to place all such matters in the hands of five men. Peace between the forty-eight States of the American Union is not maintained that way. No mind trained in American methods can understand how justice or peace can thus be achieved. This method has been tried. It was that method which was set up with consummate efficiency in Prussia. It failed. There is only one end for a government controlled by men. That is ultimate defeat and ruin. There is only one end for a League of Nations run by men merely. That is failure or war. Any League of Nations to be successful must, therefore, be not a league of men, but a league of laws. That is the lesson learned since 1789 by every American familiar with his nation's history. America can conceive of no other course for the successful establishment of international right.

As within the nations so between them there will be no justice capable of assuring peace save adequate provision be made for a legal order capable of harmonizing with the least possible friction conflicting international interests. Such an order could operate only in accord with the principles of law.

MINORITY RIGHTS FOR JEWS AND OTHERS

THANKS to pressure of the Jewish “communities” and Jewish leaders of the United States, Great Britain, France, and Italy, men who are high in office, backed with vast wealth and supported loyally by a host of actual or potential voters of the American, British, and French democracies, the Jews of the newly created States of Europe, the reconstructed States of the “Near East,” and Russia—ultimately—are to get such minority rights as they have not known previously. The chronicler who first amasses and publishes data bearing upon this important phase of the deliberations and formal output of the Peace Conference at Versailles will do a much needed task of investigation and publication; and he need have no fear of lack of purchase, scrutiny, and valuation of his monograph or book. A wide distribution is insured for a large first edition.

As typical of the provisions which the Supreme Council of the Peace Conference already have begun to enforce and which the League of Nations will continue to guarantee and assert—assuming the League's formation—the Treaty of Poland with the Entente Powers and the letter of June 24, M. Clemenceau to Premier Paderewski, transmitting the treaty, should be studied. The principles stated in the letter and embodied in the treaty are to be applicable not only to the Jewish minority in Poland, but to Christian minorities in other States with whom treaties later are to be made. They make part of the fundamental law the protection of life and liberty without distinction of birth, nationality, language, race or religion, and freedom in the exercise of religion. Religious differences are not to prejudice any “national” in his civil and political rights, public employment, functions, honors, professions, or industries. While Polish is to be the official language, Polish nationals of non-Polish speech may employ their language in the law courts. Minorities may establish charitable, religious, or social institutions, with freedom of language and religious exercise therein. In districts distinctly non-Polish in speech the State will provide facilities for insuring instruction in primary schools in the minority's own language, but the State also may make teaching of the Polish language obligatory in such schools.

Other details might be cited, but these are sufficient to give a correct idea of the ideals to which the new State is to be held, and indeed already has been forced to pay recognition. For, in the first stages of the new national life, there was sufficient evidence of remaining anti-Semitic feeling to force the Supreme Council to send a special commission, headed by an American, to determine how general and flagrant the attacks on Jews

and their property still were, and without waiting for the report of this commission the Council proceeded to let the Polish executive know that he must play the game fairly with all concerned. At present writing it is gratifying to note that there has been a diminution in the admitted recurrence of the old-time enmity of the Christian for the Jew. The investigators seem to be throwing their influence—unofficially, if not officially—toward making the Polish Jews see that their hopes for an *imperium in imperio* must be given up. If the State gives them their “community” rights, they may not claim special political privileges.

The Treaty of Berlin of 1878 sought to give similar protection to the Jews of Roumania, but its provisions were for forty years flouted and openly defied. It remains to be seen whether the coming years will show that at Versailles ideals equally catholic and democratic were given a form sufficiently backed by international authority to obtain obedience. Article 12 of the Treaty with Poland provides that no modifications of the above-mentioned stipulation may be made without the assent of a majority of the Council of the League of Nations, and that the council may be informed by a member of the League of infraction or danger of infraction of any of these obligations and may then take effective action. If differences with respect to law or fact arise out of these articles, then the issue becomes an international one under Article 14 of the Covenant. If referred, on the demand of one party, to the court of international justice, its decision shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

Bearing in mind the zeal that the British Government has shown of late in favoring the plans of the Jews for a Zionistic State in Palestine, and not forgetting to consider the latter-day but pre-war protests of the United States to both Russia and Roumania against discriminatory treatment of their Jewish “nationals,” it is not improbable that British and American influence in the League will always be alert to see that the Jewish minorities of the newly created States of Europe get a measure of justice hitherto denied, often as the result of Christian ecclesiastical obscurantism as well as because of race prejudice.

It is hardly necessary to point out to citizens of the United States that Europe in 1919, to a considerable extent influenced by a direct pressure from the American Republic, is just beginning in some of its regions and with some of its races, notably the Slavic, to profit by a theory of political society and religious catholicity defined as far back as 1620 by the English immigrants who settled in Plymouth, Massachusetts, in 1620 and wrought into the fabric of the nation’s constitution by

the masterly statesmen of 1789—Washington the Anglican, Carroll the Roman Catholic, Witherspoon the Calvinist, Jefferson the theist, and Franklin the secularist.

A FREE PRESS AND FREER PRESSMEN

ONE RESULT of the “Great War” has been to broaden and deepen popular distrust in the reliability of the press of the world as an informant and to accentuate the rising social demand for some method of dealing with what all thoughtful men must admit is one of the gravest defects of contemporary civilization. The July number of *The Arbitrator* (Box 42, Wall Street Station, New York City) is devoted to discussion of this problem, and the contributors are not content with picturing conditions as they exist in the United States, but they also have constructive suggestions as to reform; such, for instance, as making deliberate falsification a misdemeanor, reserving columns for a public defender, compelling journals to answer questions put to them by competent and duly qualified investigators, and publishing official newspapers.

In Sir Charles Walston’s book, “Truth,” which fortunately now has an American as well as an English publisher’s imprint, this large problem is dealt with in a penetrating way. There is adequate massing of evidence from European, and especially British, sources as to the gravity of the issue that a wracked world faces when to distrust of its statesmen is added cynical contempt for its journalists.

Unquestionably much of the unfairness and partisan duplicity which has caused the rising flood of criticism and distrust has been due to the mortifying condition of servility to the owners of newspaper properties in which writers have worked so long, servility based on their defenseless economic status in matters of employment, tenure, and pay. Fortunately, already in Boston, St. Louis, and other cities of the country the writers have formed “unions,” have established relations with the organized crafts that manufacture the papers on the mechanical side, and have affiliated with the “workers” of the country. Having won this measure of independence, the writers may now venture to challenge the influences from above that have made so many of them unwilling and disillusioned prostitutes, facile in suppressing, distorting, and coloring news to meet the decrees of employers who have both underpaid them and abased them.

Not a few of the untoward conditions against which the truth-desiring public is protesting arise from the marked increase during recent years of “propagandists,” once journalists but now “publicity” men, who capitalize their skill as writers, their personal acquaintance with